

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:19-cv-01253-DLF**

DOE v. BENOIT et al  
Assigned to: Judge Dabney L. Friedrich  
Demand: \$2,850,000  
Cause: 05:552 Freedom of Information Act

Date Filed: 04/30/2019  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****J. Q. DOE**

represented by **Gerald L. Gilliard**  
THE LAW OFFICE OF GERALD L.  
GILLIARD, ESQ., LLC  
1629 K Street NW  
Suite 300  
Washington, DC 20006  
(202) 827-9753  
Fax: (202) 478-1783  
Email: [ggilliard@employmentlegalteam.com](mailto:ggilliard@employmentlegalteam.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kelly Brian McClanahan**  
NATIONAL SECURITY COUNSELORS  
4702 Levada Terrace  
Rockville, MD 20853  
(301) 728-5908  
Fax: (240) 681-2189  
Email: [kel@nationalsecuritylaw.org](mailto:kel@nationalsecuritylaw.org)  
**TERMINATED: 09/30/2019**

V.

**Defendant**

**ANDREA LYNNE BENOIT**  
*in her personal capacity*  
**TERMINATED: 09/19/2019**

represented by **William Mark Nebeker**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2536  
Fax: (202) 252-2599  
Email: [mark.nebeker@usdoj.gov](mailto:mark.nebeker@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**JOHN DOE**  
*Nos. 1 – 10, in their personal capacities*  
**TERMINATED: 09/19/2019**

**Defendant**

**DEFENSE CONTRACT**  
**MANAGEMENT AGENCY**  
**TERMINATED: 09/19/2019**

represented by **William Mark Nebeker**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

represented by

UNITED STATES DEPARTMENT  
OF DEFENSE

William Mark Nebeker  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**DAVID H. LEWIS**

*Vice Admiral, in his official capacity as  
Director of the Defense Contract  
Management Agency*

*TERMINATED: 09/19/2019*

represented by **William Mark Nebeker**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**PATRICK SHANAHAN**

*in his official Capacity as Acting  
Secretary of Defense*

*TERMINATED: 09/19/2019*

represented by **William Mark Nebeker**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/30/2019	<u>1</u>	COMPLAINT against ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, JOHN DOE, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Filing fee \$ 400, receipt number 4616097810) with Jury Demand filed by J. Q. DOE. (Attachment: # <u>1</u> Civil Cover Sheet) (tth); Modified – Sealed at the request of counsel on 5/8/2019 (ztth). (Entered: 05/01/2019)
04/30/2019	<u>2</u>	SEALED MOTION filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.) (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order) (ztth) (Entered: 05/01/2019)
04/30/2019	<u>3</u>	SEALED DOCUMENT (Reference List) filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.) (ztth) (Entered: 05/01/2019)
04/30/2019	<u>4</u>	MEMORANDUM AND ORDER granting <u>2</u> Sealed Motion. Signed by Chief Judge Beryl A. Howell on 4/30/2019. (tth) (Entered: 05/01/2019)
04/30/2019	<u>5</u>	SEALED DOCUMENT filed by J. Q. DOE. "FILE UNDER SEAL" by Chief Judge Beryl A. Howell on 4/29/2019. (This document is SEALED and only available to authorized persons.) (ztth) (Entered: 05/01/2019)
04/30/2019	<u>6</u>	SEALED DOCUMENT (Complaint) filed by J. Q. DOE. re <u>1</u> Complaint, filed by J. Q. DOE. (This document is SEALED and only available to authorized persons.) (ztth) (Entered: 05/01/2019)
05/01/2019	<u>7</u>	SUMMONS (7) Issued Electronically as to ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent) (ztth) (Entered: 05/01/2019)
05/08/2019	<u>8</u>	MOTION To Seal re <u>1</u> Complaint, by J. Q. DOE (Attachments: # <u>1</u> Text of Proposed Order)(Gilliard, Gerald); Modified event on 5/9/2019 (tth). (Entered: 05/08/2019)
05/08/2019	<u>9</u>	ERRATA by J. Q. DOE <u>1</u> Complaint, filed by J. Q. DOE. (Attachments: # <u>1</u> Exhibit A)(Gilliard, Gerald) (Entered: 05/08/2019)
05/08/2019		MINUTE ORDER granting the plaintiff's <u>8</u> Motion to Seal the Complaint. Accordingly, it is ORDERED that the plaintiff's <u>1</u> Complaint shall be maintained under seal. Signed by Judge Dabney L. Friedrich on May 8, 2019. (lcldf1) (Entered: 05/08/2019)
05/16/2019	<u>10</u>	NOTICE of Appearance by Kelly Brian McClanahan on behalf of J. Q. DOE (McClanahan, Kelly) (Entered: 05/16/2019)

06/11/2019	<u>11</u>	NOTICE of Appearance by William Mark Nebeker on behalf of ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, UNITED STATES DEPARTMENT OF DEFENSE (Nebeker, William) (Entered: 06/11/2019)
06/11/2019	<u>12</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 06/11/2019)
06/12/2019		MINUTE ORDER granting the defendants' unopposed <u>12</u> Request for Extension of Time. Accordingly, it is ORDERED that the defendants shall file their answer or other response to the plaintiff's complaint on or before July 12, 2019. Future requests for extensions of time must include the number of previous extensions requested and will be granted only in extraordinary circumstances. Signed by Judge Dabney L. Friedrich on June 12, 2019. (lcldf1) (Entered: 06/12/2019)
07/11/2019	<u>13</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by ANDREA LYNNE BENOIT, DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 07/11/2019)
07/12/2019		MINUTE ORDER granting in part and denying in part the defendants' unopposed <u>13</u> Request for Extension of Time. Accordingly, it is ORDERED that the defendants shall file their answer or other response to the plaintiff's complaint on or before July 26, 2019. Future requests for time must include the number of previous extensions and will be granted only in extraordinary circumstances. Signed by Judge Dabney L. Friedrich on July 12, 2019. (lcldf1) (Entered: 07/12/2019)
07/25/2019	<u>14</u>	STIPULATION of Dismissal ( <i>Partial</i> ) by J. Q. DOE. (McClanahan, Kelly) (Entered: 07/25/2019)
07/26/2019	<u>15</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 07/26/2019)
08/01/2019		MINUTE ORDER granting in part and denying in part the defendants' <u>15</u> Unopposed Motion for Enlargement of Time. In light of the defendants' motion and the parties' <u>14</u> Stipulation of Dismissal, it is ORDERED that the plaintiff shall file on or before August 8, 2019 any amended complaint. It is further ORDERED that the defendants shall file on or before August 29, 2019 an answer either to the amended complaint, or, if the plaintiffs have not filed an amended complaint, to the original complaint. Signed by Judge Dabney L. Friedrich on August 1, 2019. (lcldf1) (Entered: 08/01/2019)
08/01/2019		Set/Reset Deadlines: Amended Complaint due by 8/8/2019. Answer due by 8/29/2019. (zcal) (Entered: 08/02/2019)
08/29/2019	<u>16</u>	MOTION to Dismiss <i>In Part And</i> , MOTION to Strike <u>1</u> Complaint, by DEFENSE CONTRACT MANAGEMENT AGENCY, DAVID H. LEWIS, PATRICK SHANAHAN, UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 08/29/2019)
09/12/2019	<u>17</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION to Dismiss <i>In Part And</i> MOTION to Strike <u>1</u> Complaint, by J. Q. DOE (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 09/12/2019)
09/13/2019		MINUTE ORDER granting the plaintiff's <u>17</u> Unopposed Motion for Enlargement of Time to File Opposition to Defendant's Motion to Dismiss In Part and to Strike. The plaintiff shall file any opposition on or before September 27, 2019; the defendant shall file any reply on or before October 4, 2019. So Ordered by Judge Dabney L. Friedrich on September 13, 2019. (lcldf1) (Entered: 09/13/2019)
09/19/2019	<u>18</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF DEFENSE filed by J. Q. DOE.(McClanahan, Kelly) (Entered: 09/19/2019)

09/30/2019	<u>19</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to J. Q. DOE. Attorney Kelly Brian McClanahan terminated. (McClanahan, Kelly) (Entered: 09/30/2019)
10/03/2019	<u>20</u>	MOTION for Extension of Time to File Answer re <u>18</u> Amended Complaint by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 10/03/2019)
10/03/2019		MINUTE ORDER granting the defendants' <u>20</u> Motion for Enlargement of Time. The defendants shall answer or otherwise respond to the plaintiff's first amended complaint on or before October 17, 2019. So Ordered by Judge Dabney L. Friedrich on October 3, 2019. (lcldf1) (Entered: 10/03/2019)
10/17/2019	<u>21</u>	Unopposed MOTION for Extension of Time to File Answer re <u>18</u> Amended Complaint by UNITED STATES DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 10/17/2019)
10/17/2019		MINUTE ORDER. In its Minute Order of August 1, 2019, the Court ordered the plaintiff to file any amended complaint on or before August 8, 2019. On September 19, 2019, the plaintiff filed an untimely amended complaint without first seeking leave to file it. See Fed. R. Civ. P. 15(a)(2) (requiring the opposing party's consent or the Court's leave before a party may amend a pleading). Based on the defendant's <u>21</u> Unopposed Motion for Enlargement of Time, the Court understands that the plaintiff intends to file another amended complaint soon. It is ORDERED that the plaintiff shall seek leave to file any amended complaint on or before October 21, 2019. The Court will deny any other requests to amend the complaint filed after that date. It is FURTHER ORDERED that the defendant's <u>21</u> Unopposed Motion for Enlargement of Time is GRANTED. If the Court grants the plaintiff leave to file an amended complaint, the defendant shall answer, move to dismiss, or otherwise respond to that complaint within 21 days of the Court granting leave to amend. If the Court does not grant leave to amend, then the plaintiff's original complaint, which the defendant has already moved to dismiss, remains the operative complaint. So Ordered by Judge Dabney Friedrich on October 17, 2019. (lcldf1) (Entered: 10/17/2019)